

REMARKS

The last Office Action has been carefully considered.

It is noted that the claims 1, 3-7, 9-14, and 16 are rejected under 35 U.S.C. 102(e) over the patent to Takaoka.

Claims 1, 3-6, 11-16 are rejected under 35 U.S.C. 102(e) over the patent to Takashima.

Also, claims 13-15 are rejected under 35 U.S.C. 102(b) over the patent to Tsuzuki.

After carefully considering the Examiner's grounds for the rejection of the claims, applicants have canceled claims 8 and 10 and submitted two new independent claims 18 and 19 which substantially correspond to original claims 1 and 13 but in addition define that the auxiliary system is a system which is either a generator or a servo pump or a water pump, or an oil pump, or a climate control compressor as disclosed for example on page 12, first paragraph as pertaining to the drive arrangement shown in Figure 1.

Turning now to the references and particularly to the patent to Takaoka, it is respectfully submitted that applicants have to respectfully disagree with the Examiner that the independent claims 1 and 13 as well as independent claims 18 and 19 are anticipated by the patent to Takaoka.

Takaoka teaches a drive arrangement for a motor vehicle, having an internal combustion engine 150, at least one supplementary motor MG1 and a gear 120, characterized in that the gear is a planetary gear, which is operatively connected to the engine 150 and the at least one supplementary motor MG1, each via a respective input shaft 125, 156. Furthermore, Takaoka discloses an output shaft 126 of the planetary gear 120, which is connected to a second supplementary motor MG2.

However in Takaoka the second supplementary motor MG2 functions as a generator and converts a division of the mechanical energy given by the planetary gear 120 to the ring shaft 126 to electrical energy Pm2 ... and supplies the regenerated electrical energy Pm2 to the battery 194 and the first supplementary motor MG1 (see column 16, lines 59 to 65). The second supplementary motor MG2 is further outputting mechanical energy supplementary motor MG2 is further outputting mechanical energy to the ring gear 126 (compare Fig. 8 and 9 and column 17, lines 1 to 6), which is

mechanically linked with the driving wheels 116 and 118 via the power feed gear 128, the power feed gear 11 and the differential gear 114 (compare column 17, lines 57 to 60).

Apparently the Examiner is regarding the second supplementary motor MG2 as auxiliary system (page 4 of the Final Action, line 7). However for a person skilled in the art of motor vehicles the term auxiliary system is clearly defined and does not include the components of the drive system, like the second supplementary motor MG2 of Takaoka, which is part of an power output apparatus for outputting power from an engine to a drive shaft at a high efficiency (see column 2, lines 14 to 16), wherein the power is outputted by the power feed gear 128 the power transmission 111 and from there to the driving wheels (compare column 12, lines 18 to 24 and above).

As can be seen from claim 1 of the present application, the Inventor of the present application also contemplated the use of more than one supplementary motor in the drive system by using the wording at least one supplementary motor. As with Takaoka besides the first supplementary motor in the form of the electric motor 14 a second supplementary motor could be included in the drive system. One example for this configuration is

given in Fig. 5 and the corresponding description, where additionally to the first electric machine E1 a second electric machine E2 is included, which however has nothing to do with the auxiliary system, in Fig. 5 the climate control compressor 70.

Different from the present claims 1 and 18 furthermore Takaoka does not disclose any output shaft to an auxiliary system. As can be seen from Figures 7 to 9 the power output apparatus of Takaoka has only one output shaft for outputting mechanical energy, that is the ring gear 126, which is mechanically linked with the driving wheels 116 and 118 by means of the power feed gear 128, the power feed gear 11 and the differential gear 114 (compare column 17, lines 57 to 60).

As can be seen from the a.m. citations from Takaoka, different from claims 1, 13, 18 and 19 of the present application, there is no mention of an output shaft of the planetary gear being operatively linked to an auxiliary system (claims 1 and 18), like a generator, a servo pump, a water pump, an oil pump or a climate control compressor, or that a torque is transmitted from the engine and the at least one supplementary motor via a respective one of the input shafts to the output shafts and subsequently to the auxiliary system (claims 13 and 19).

As for Takashima '472, from Fig. 1 it can be clearly seen, that contrary to the opinion of the Examiner in Takashima's drive arrangement of a motor vehicle the output shaft 5a from the planetary gear 7 is not connected to an auxiliary system but via a motor-generator 5 to a drive shaft 8 for driving the wheels 11R and 11L of the vehicle (compare also column 4 lines 38 to 45, where it says, that the output shaft 5a extending from a rotor of the motor-generator 5 is connected on one side to a carrier CR of the planetary gear 7, whereas the other end of the output shaft 5a is connected to a drive shaft 8 for driving wheels 11R and 11L in the vehicle.

Thus Takashima neither discloses any auxiliary system as stated above, i.e. different from the drive system, nor its connection to the planetary gear via an output shaft or the transmittal of a torque from the planetary gear to an auxiliary system via an output shaft respectively. As a result for Takashima the same is true as was said above with regard to Takaoka.

As for the patent to Tsuzuki, this reference also does not teach the new features of the present invention as defined in the independent claims.

In view of the above presented remarks and amendments, it is believed that claims 1, 13, 18 and 19 should be considered as patentably distinguishing over the art and should be allowed.

Claims 1 and 13 have been retained with the present Amendment as they were, while claims 18 and 19 are somewhat different from claims 1 and 13 but it is believed that they did not raise new issues for examination. If the Examiner is of the opinion that claims 18 and 19 do raise new issues for examination, it is respectfully requested and authorized to cancel these claims and to retain claims 1 and 13 only, which in applicant's opinion clearly and patentably distinguish the present invention from the prior art.

Reconsideration and allowance of present application is most respectfully requested.

The Examiner's attention is also respectfully directed to the fact that the applicants again object to the Examiner's election requirement. In accordance with the PCT rule, in a single application several species of several inventions can be retained if they have general inventive idea. This is exactly the case in this present application, since the various species

and/or inventions are united by general inventive idea. Therefore, it is requested to prosecute all claims currently on file.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 19-4675). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,


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